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CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983 -7 AM 9:19

IN THE UNITED STATES DISTRICT COURT
FOR THE ~~██████████~~ DISTRICT OF GEORGIA
MIDDLEU.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MIDDLE GEORGIAWASEEM DAKER, #901373(Enter above the full name and prisoner
identification number of the plaintiff, GDC
number if a state prisoner.)

-VS-

HOMER BRITSON, Commissioner,TAKES 43 TOTAL DEFENDANTS (I CAN'T FIT THEM ALL ON THIS PAGE)PLEASE SEE PAGES 6-10 FOR ALL DEFENDANTS

(Enter above the full name of the defendant(s).)

I. Previous Lawsuits

A. Have you filed other lawsuits in federal court while incarcerated in any institution?

Yes (X) No ()

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.) I HAVE FILED OTHER LAWSUITS, BUT I DO NOT HAVE ALL THE INFORMATION ON ALL OF THEM. BUT THE INFORMATION ON ALL OF THEM CAN BE FOUND ONLINE ON PACER. PLEASE SEE PACER FOR MORE INFORMATION.
1. Parties to this previous lawsuit:Plaintiff(s): WASEEM DAKERDefendant(s): NEIL WARREN,
CUBB COUNTY2. Court (name the district):
NORTHERN DISTRICT OF GEORGIA3. Docket Number: 1:10-cv-2084-AT

I. Previous Lawsuits (Cont'd)

4. Name of judge to whom case was assigned: AMY TOTENBERG
5. Did the previous case involve the same facts?
Yes () No ☒
6. Disposition (Was the case dismissed? Was it appealed? Is it still pending?):
SUMMARY JUDGMENT FOR DEFENDANTS, BUT REVERSED IN PART ON APPEALS NOS. 13-14446, 14-10096. IT IS NOW STILL PENDING.
7. Approximate date of filing lawsuit: JULY 2, 2010
8. Approximate date of disposition: PENDING

II. Exhaustion of Administrative Remedies

Pursuant to 28 U.S.C. § 1997e(a), no prisoner civil rights action shall be brought in federal court until all available administrative remedies are exhausted. Exhaustion of administrative remedies is a precondition to suit, and the prisoner plaintiff must establish that he has exhausted the entire institutional grievance procedure in order to state a claim for relief.

- A. Place of Present Confinement: GEORGIA STATE PRISON
- B. Is there a prisoner grievance procedure in this institution?
Yes ☒ No ()
- C. Did you present the facts relating to your complaint under the institution's grievance procedure?
Yes ☒ No ()
- D. If your answer is YES:
- What steps did you take and what were the results?
I FILED GRIEVANCES #231559 AND #231560 ON 11/15/16. BOTH WERE CLOSED AND FORWARDED TO INTERNAL AFFAIRS UNIT, WHICH EXHAUSTS THE GRIEVANCE. THAT SAID, NO ONE FROM INTERNAL AFFAIRS EVER CONTACTED ME. I ALSO EXHAUSTED OTHER GRIEVANCES, INCLUDING BUT NOT LIMITED TO: 140844, 146742, 157862, 163174, 169644, 196573, 201059, 21088, 207852, 226979, 229470, AND OTHERS.
 - If your answer is NO, explain why not: SOME ISSUES ARE NOT GRIEVABLE BUT WERE EXHAUSTED THROUGH THE ~~GRIEVANCE~~ ^{INTERNAL AFFAIRS} PROCEDURE. OTHERS ARE NOT GRIEVABLE AT ALL. ON MANY OTHERS, I ATTEMPTED TO FILE GRIEVANCES BUT MY COUNSELOR REFUSED TO ACCEPT ANY GRIEVANCES FROM ME. ON OTHERS, I FILED GRIEVANCES BUT PRISON OFFICIALS REFUSED TO PROCESS THE GRIEVANCES, SOMETIMES RETURNING THE GRIEVANCES TO ME UNPROCESSED, SOMETIMES SIMPLY THROWING THEM AWAY.

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank.)

A. Name of Plaintiff: WASEEM DAKAR

Address(es): #901373
G.S.P.
300 1ST AVE S
RETSVILLE, GA 30953

(In item B below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Do the same for each additional defendant, if any.)

B. Defendant(s): PLEASE SEE ATTACHED PAGES 6-10.
THERE ARE 43 DEFENDANTS.

Employed as PLEASE SEE ATTACHED PAGES 6-10.

at PLEASE SEE ATTACHED PAGES 6-10.

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

PLEASE SEE ATTACHED PAGES (6-22) STATEMENT OF SUBSTANTIVE CLAIMS (PP 1-102).

103. PLAINTIFF CLAIMS THAT THE PLRA "THREE STRIKES" PROVISION 28 USC § 1915(G) IS UNCONSTITUTIONAL, AND VIOLATES THE "BREATHING SPACE" PRINCIPLE OF THE FIRST AMENDMENT.

104. PLAINTIFF CLAIMS THAT THE PLRA "THREE STRIKES" PROVISION 28 USC § 1915(G) IS UNCONSTITUTIONAL, AND VIOLATES THE "NARROWLY TAILORED" PRINCIPLE OF THE FIRST AMENDMENT.

105. NOTWITHSTANDING PPA 103-104, SUPRA, PLAINTIFF CLAIMS THAT HE IS IN "IMMINENT DANGER OF SERIOUS PHYSICAL INJURY" ("I.D.S.P.I."), § 1915(G) DUE TO DEFENDANTS' ONGOING CUSTOM OF FORCING PRISONERS TO SHAKE OR

IV. Statement of Claim (Cont'd)

FORCEBLY SHAVEN, WITH CLIPPERS THAT ARE UNSANITIZED, OR DAMAGED, OR BOTH, WHICH PRESENTS I.D.O.S.P.T. OF INFECTION WITH HIV, HEPATITIS, OR OTHER INFECTIOUS DISEASES, JAMES V. DORMIRE, 2008 WL 625027, X2-3 (W.D. Mo. MAR. 4, 2009); BINGHAM V. MORALES, NO. CV-311-019, 2011 WL 5358594, X1 n.2 (S.D. Ga. NOV. 4, 2017); ANDREWS V. CERVANTES, 493 F.3d 1047, 1055 (9th Cir. 2007).

106. NOTWITHSTANDING ¶¶ 103-104, SUPRA, PLAINTIFF CLAIMS THAT HE IS IN "I.D.O.S.P.T." DUE TO DEFENDANTS' CUSTOM, POLICY, AND STATED THREATS TO USE FORCE TO SHAVE HIM, HAVING DONE SO ON NUMEROUS OCCASIONS, CUTTING HIM ON AT LEAST TWO OCCASIONS ON 2/5/015 AND 3/10/015, BURNING HIM ON AT LEAST ONE ON 2/8/015, AND BANGING HIS HEAD AGAINST THE WALL TWICE ON 2/10/015, AND THREATENING TO CONTINUE TO USE FORCE TO SHAVE HIM.

107. NOTWITHSTANDING ¶¶ 103-104, SUPRA, PLAINTIFF CLAIMS THAT HE IS AGAIN IN "I.D.O.S.P.T." DUE TO DEFENDANTS' CUSTOM, POLICY AND STATED THREATS TO USE FORCE TO SHAVE HIM, INCLUDING THEIR USE OF FORCE ON 11/9/2016, WHICH RESULTED IN INJURY TO HIS BACK AND SHOULDER BLADE, WAISTS, AND LOSS OF FEELING IN HIS FINGERS, AND THREATS TO DO IT AGAIN.

108. NOTWITHSTANDING ¶¶ 103-104, SUPRA, PLAINTIFF CLAIMS THAT HE IS AGAIN IN "I.D.O.S.P.T." DUE TO DEFENDANTS' CUSTOM, POLICY, AND STATED THREATS TO USE FORCE TO SHAVE HIM, INCLUDING THEIR USE OF FORCE ON 11/10/16, RESULTING IN FURTHER BACK INJURY/SHOULDER BLADE INJURY, FURTHER LOSS OF FEELING IN HIS FINGERS, FRICTION BURNS, AND AGGRAVATION OF HIS CARPAL TUNNEL SYNDROME.

109. NOTWITHSTANDING ¶¶ 103-104 SUPRA, PLAINTIFF CLAIMS THAT HE IS IN I.D.O.S.P.T. BECAUSE OF DEFENDANTS' 11/14/16 AND 12/1/16 THREATS, ¶¶ 77, BY SUPRA.

110. NOTWITHSTANDING ¶¶ 103-104, SUPRA, PLAINTIFF CLAIMS THAT HE IS IN IDOSP.T. DUE TO DEFENDANTS' CUSTOM OF USING MK-9, WHICH AGGRAVATES HIS ALLERGIES.

111. NOTWITHSTANDING ¶¶ 103-104, SUPRA, PLAINTIFF CLAIMS THAT HE IS IN IDOSP.T. BECAUSE OF DEFENDANTS DENYING HIM SENSITIVE TOOTH PASTE FOR HIS SENSITIVE TEETH AND TOOTH ACHES.

V. Relief

State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

* 112. I REQUEST AN EMERGENCY TEMPORARY RESTRAINING ORDER (T.R.O.) ENJOINING DEFENDANTS TO NOT BEAT ME, SPRAY ME WITH ANY CHEMICAL AGENTS, TALK ME OR OTHERWISE USE ANY PHYSICAL FORCE TO SHAVE ME OR TRIM MY BEARD SO LONG AS IT IS WITHIN THREE (3) INCHES, WHICH IS THE CDC'S CURRENT LIMIT ON HAIR LENGTH.

113. I REQUEST ~~THE~~ A PRELIMINARY AND PERMANENT INJUNCTION FOR SAME.

114. I REQUEST A PRELIMINARY AND PERMANENT INJUNCTION THAT DEFENDANTS NOT USE PHYSICAL FORCE TO SHAVE ANYONE, INCLUDING ME, AT ALL.

115. I REQUEST A PRELIMINARY AND PERMANENT INJUNCTION THAT DEFENDANTS BE ENJOINED FROM FORCING ANYONE TO SHAVE WITH CLIPPERS THAT ARE UNSANITIZED.

116. I REQUEST A PRELIMINARY AND PERMANENT INJUNCTION THAT DEFENDANTS BE ENJOINED FROM FORCING ANYONE TO SHAVE WITH DAMAGED CLIPPERS.

117. I REQUEST A PRELIMINARY AND PERMANENT INJUNCTION THAT DEFENDANTS BE ENJOINED FROM USING MK-9 AT ALL, AND ON PLAINTIFF IN PARTICULAR.

V. Relief (Cont'd)

118. I REQUEST AN PRELIMINARY AND PERMANENT INJUNCTION THAT DEFENDANTS MAKE SENSODYNE AVAILABLE TO PRISONERS ON TEST II.
119. I REQUEST PRELIMINARY AND PERMANENT INJUNCTION THAT DEFENDANTS PROVIDE PLAINTIFF SENSODYNE TOOTH PASTE.
120. I REQUEST OTHER DETENTIVE, PROSPECTIVE, AND EQUITABLE RELIEF.
121. I REQUEST DECLARATORY JUDGMENTS.
122. I REQUEST NOMINAL DAMAGES, ~~CAN~~ UNSPECIFIED COMPENSATORY DAMAGES, AND UNSPECIFIED PUNITIVE DAMAGES.
123. I REQUEST COSTS OF PROSECUTING THIS ACTION.
124. I REQUEST OTHER RELIEF THAT THE COURT DEEMS NECESSARY AND/OR APPROPRIATE.

Signed this 4 day of DECEMBER, 2016.

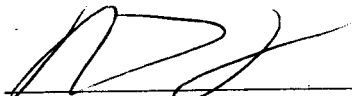


Signature of Plaintiff

STATE OF GEORGIA
COUNTY (CITY) OF TAPPAHAWAY COUNTY, REDSVILLE

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED ON 12/4/16
(Date)



Signature of Plaintiff

WASEEM DAIKIN

#901373

G.S.P.

300 1ST AVE S

REDSVILLE, GA 30453

RECEIVED
 IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF GEORGIA
 2016 DEC -7 AM 9:19
 MACON DIVISION
 U.S. DISTRICT COURT
 MIDDLE DIST. OF GEORGIA
 MACON, GEORGIA

WASEEM DAKER,
 Plaintiff

v.

HOMER BAYSON, Commissioner,

TIMOTHY WARD, Assistant Commissioner,

JACK KLOON, Facilities Director,

STEVE UPTON, Deputy Facilities Director,

OTIS STANTON, Statewide Tier Coordinator,

JENNIFER AMMONS, General Counsel,

JASON MITCHELL, Assistant Counsel,

DR. STEVEN A. TURNER, Chaplaincy Director,

RICKY MYNCEL, Director, Office of Investigations and Compliance,

LISA FOUNTAIN, Investigator, Inmate Affairs Unit,

CINDY L. SMITH, Office of Professional Standards,

JOHN DOE, Internal Affairs Director,

DR. SHANNON LEWIS, Medical Director,

DR. JOHN DOE, Dental Director,

ROBERT RUBLE, Regional Director

BRUCE CHATMAN, Assistant Regional Director,

Georgia Department of Corrections,

GEORGIA DEPARTMENT OF CORRECTIONS

STATE OF GEORGIA

* CASE NO.

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42 U.S.C. § 1983

CIVIL RIGHTS

PLAINTIFFS

ORIGINAL

COMPLAINT

MARTY ALLEN, Warden,	X	
TREVONZA BOBBITT, Deputy Warden, Security,	X	
JOHN DOE, Deputy Warden, Care & Treatment,	X	
STANLEY KILGORE, Deputy Warden, Administration,	X	
CARRIE JAMES, Administrative Assistant,	X	
JOSEPH HUTCHESON, Unit Manager,	X	
CALVIN MILTON SMITH, Chief Counselor,	X	
MS. (FIRST NAME UNKNOWN (FNU)) EVANS, Counselor,	X	
VALTANT LYTE, Chaplain,	X	
TINA KELLEY, D.R. Advocate,	X	
ASHLEY HARTMEYER, Tier II Secretary,	X	
MICHAEL ANDERSON, Major,	X	
ALTON MOBLEY, Captain,	X	
TERLY ANDERSON MOYE, Lieutenant,	X	
REGINALD DEVON FORD, Lieutenant,	X	
CARNESIA WORTHEN, Lieutenant,	X	PLAINTIFFS
CARL ANTHONY ANDERSON, Sergeant,	X	ORIGINAL
MICHAEL MENDEZ, CERT Guard,	X	COMPLAINT
WADE GARRETT NOBILIO, CERT Guard,	X	
CURMIT WILLIAMS, CERT Guard,	X	
ARSENIO WATSON, CERT Guard,	X	
MONTQUE L. LITTLES, Guard,	X	
TERRY L. JONES, Guard,	X	
MR. ANDERSON (FNU) NESTER, Guard,	X	
DR. (FNU) GETTER, Dentist,	X	
Georgia State Prison	X	
Defendants	X	

I. INTRODUCTION

1. COMES NOW WASEEM DAKER, PLAINTIFF ABOVE-STYLED, AND PURSUANT TO 42 U.S.C. § 1983, BRINGS THIS ACTION AGAINST DEFENDANTS FOR VIOLATING HIS RIGHTS UNDER THE UNITED STATES CONSTITUTION AND REL FOSTON LAND USE AND INSTITUTIONALIZED PERSONS ACT ("RLUIPA"), 42 U.S.C. §§ 2000cc-1 ET SEQ.

II. JURISDICTION AND VENUE

2. THIS COURT HAS ORIGINAL JURISDICTION PURSUANT TO 28 U.S.C. §§ 1331 AND 1343.

3. PLAINTIFF'S CLAIMS FOR DECLARATORY AND INJUNCTIVE RELIEF ARE AUTHORIZED PURSUANT TO 28 U.S.C. §§ 2201 AND 2202.

4. VENUE IS PROPER IN THIS DISTRICT PURSUANT TO 28 U.S.C. § 1391(b)(1) BECAUSE ALL DEFENDANTS RESIDE IN GEORGIA AND ALL ODC CENTRAL OFFICE DEFENDANTS RESIDE IN THIS DISTRICT.

5. VENUE IS ALSO PROPER IN THIS DISTRICT PURSUANT TO 28 U.S.C. § 1391(b)(2) BECAUSE A SUBSTANTIAL PART OF THE EVENTS GIVING RISE TO CLAIMS OCCURRED IN THIS DISTRICT, INCLUDING, BUT NOT LIMITED TO, ADOPTION OF DEFENDANTS' RULES & REGULATIONS, STANDARD OPERATING PROCEDURES ("SOP'S"), POLICIES, CUSTOMS, AS WELL AS DECISIONS WHICH CAUSED THE VIOLATIONS OF PLAINTIFF'S RIGHTS.

III. PARTIES

6. PLAINTIFF IS WASEEM DAKER, A PRISONER IN THE CUSTODY OF THE GEORGIA DEPARTMENT OF CORRECTIONS ("ODC"). PLAINTIFF IS CURRENTLY INCARCERATED AT: #901373, G.S.P., 300 1ST AVE S, DECATUR, GA 30053.

7. DEFENDANT STATE OF GEORGIA IS A PROPER DEFENDANT PURSUANT TO 42 U.S.C. § 2000cc-5(4)(A)(i), AND IS INCLUDED IN "ODC DEFENDANTS."

8. DEFENDANT ^{GEORGIA} ~~STATE~~ DEPARTMENT OF CORRECTIONS ("ODC") IS A PROPER DEFENDANT PURSUANT TO ~~42~~ 42 U.S.C. § 2000cc-5(4)(A)(ii), AND IS INCLUDED IN "ODC DEFENDANTS."

9. DEFENDANT HUMER BRAYTON IS ODC COMMISSIONER, DEFENDANT TIMOTHY WARD IS ODC ASSISTANT COMMISSIONER, DEFENDANT JACK KOON IS O.D.C. FACILITIES DIRECTOR, DEFENDANT STEVE UPTON IS O.D.C. DEPUTY FACILITIES DIRECTOR, DEFENDANT OTIS

STANTON IS GDC STATEWIDE TEAM COORDINATOR. DEFENDANT JENNIFER AMMONS IS GDC GENERAL COUNSEL. DEFENDANT JASON MITCHELL IS GDC ASSISTANT COUNSEL. DEFENDANT DR. STEVEN A. TURNER IS GDC CHAPLAINCY DIRECTOR. DEFENDANT RECKY C. MYRICK IS DIRECTOR OF GDC OFFICE OF INVESTIGATIONS AND COMPLIANCE ("OIC"). DEFENDANT LISA FOUNTAIN IS INVESTIGATOR OF GDC INMATE AFFAIRS UNIT. DEFENDANT LINDY L. SMITH IS DIRECTOR OF GDC OFFICE OF PROFESSIONAL STANDARDS ("OPS"). DEFENDANT JOHN DOE IS DIRECTOR OF GDC INTERNAL AFFAIRS OFFICE. DEFENDANT DR. SHARON LEWIS IS GDC MEDICAL DIRECTOR. DEFENDANT DR. JOHN DOE IS GDC DENTAL DIRECTOR. DEFENDANT ROBERT TOOLE IS GDC REGIONAL DIRECTOR a.k.a. FIELD OPERATIONS MANAGER ("F.O.M."). DEFENDANT BRUCE CHATMAN IS GDC ASSISTANT REGIONAL DIRECTOR a.k.a. ASSISTANT F.O.M. DEFENDANTS BRYSON, WARB, KUON, STANTON, AMMONS, MITCHELL, TURNER, MYRICK, FOUNTAIN, LIL SMITH, DOE, LEWIS, DR. DOE, TOOLE, AND CHATMAN SHALL COLLECTIVELY BE REFERRED TO AS "GDC DEFENDANTS." ALL GDC DEFENDANTS RESIDE IN THIS DISTRICT, ARE SUED IN THEIR INDIVIDUAL CAPACITIES FOR DAMAGES, AND IN THEIR OFFICIAL CAPACITIES FOR DECLARATORY, INJUNCTIVE, PROSPECTIVE, AND EQUITABLE RELIEF, AND DAMAGES, AND MAY BE SERVED IN THIS DISTRICT AT: GDC, 300 PATROL ROAD, GIBSON HALL, FORTYTH, WINN-DIXIE COUNTY, GEORGIA, 31029.

10. DEFENDANT MARTY ALLEN IS WARDEN AT GEORGIA STATE PRISON ("G.S.P."). DEFENDANTS TREVONIA BOBBIN, JOHN DOE, AND SHERLEY KILBORE ARE G.S.P. DEPUTY WARDENS. DEFENDANT CARRIE JAMES IS G.S.P. ADMINISTRATIVE ASSISTANT. DEFENDANT JOSEPH L. HUTCHESON IS G.S.P. TEAM II UNIT MANAGER. DEFENDANT CALVIN MILTON SMITH IS G.S.P. CHIEF COUNSELOR. DEFENDANT M.S. [FIRST NAME UNKNOWN ("FNU")] EVANS IS G.S.P. COUNSELOR. DEFENDANT VALENT LITE IS G.S.P. CHAPLAIN. DEFENDANT TINA KELLEY, IS G.S.P. A.D. ADVOCATE. DEFENDANT ASHLEY HARTMEYER IS G.S.P. TEAM II SECRETARY. DEFENDANT MICHAEL ANDERSON IS G.S.P. MAJOR AND CHIEF OF SECURITY. DEFENDANT ALTON MURLEY IS G.S.P. CAPTAIN. DEFENDANTS TERRY DEON MOYE, REGINALD DEVON FORD, CARNETTA WORTWEN ARE G.S.P. LIEUTENANTS.

DEFENDANTS CARL ANTHONY ANDERSON IS G.S.P. SERGEANT, DEFENDANTS MICHAEL MONDEZ, WIDE GARRETT NORTON, CURMIE WILLIAMS, AND ARSENTO ARE G.S.P. CORRECTIONAL OFFICERS, DEFENDANTS TERRY L. JONES, MONTQUE L. LITTLE AND (FNU) HESTER ARE G.S.P. CORRECTIONAL OFFICERS (O.I.G. "O'S" ONWARDS). DEFENDANTS ALLEN, BOBBITT, DUE KLOORE, JAMES, HUTCHERSON, SMITH, EVANS, LYLE, KELLEY, HARTMEYER, ANDERSON, MURPHY, MOYE, FORD, WORTEN, ^{CA} ANDERSON, MONDEZ, NORTON, WILLIAMS, WRIGHT, LITTLE, JONES, HESTER, AND GEBER SHALL COLLECTIVELY BE REFERRED TO AS "G.S.P. DEFENDANTS," AND ARE SUED IN THEIR INDIVIDUAL CAPACITIES FOR DAMAGES, AND IN THEIR OFFICIAL CAPACITIES FOR DAMAGES, DECLARATORY, INJUNCTIVE, ^{PROSPECTIVE} AND EQUITABLE RELIEF.

IV. STATEMENT OF FACTS

11. PLAINTIFF HAS BEEN IN GDC CUSTODY FROM OCTOBER 3, 2012, TO PRESENT-DAY.

12. FROM OCTOBER 3, 2012, TO APRIL 7, 2014, PLAINTIFF WAS INCARCERATED IN GDC CUSTODY AT GEORGIA DIAGNOSTIC & CLASSIFICATION PRISON, JACKSON, BUTTS COUNTY.

13. SINCE APRIL 7, 2014, PLAINTIFF HAS BEEN INCARCERATED IN ^{GDC} ~~GDC~~ CUSTODY AT G.S.P.

A. RELIGIOUS EXERCISE

14. PLAINTIFF IS MUSLIM, AN ADHERENT TO THE RELIGION OF ISLAM.

15. PART OF THE PRACTICE OF ISLAM IS THAT ALL MUSLIM MEN ARE REQUIRED TO ATTEND JUM'AH CONGREGATIONAL PRAYER SERVICES EVERY FRIDAY AFTERNOON. JUM'AH CONSISTS OF A KHUTBA (SERMON) FOLLOWED BY A CONGREGATIONAL SALAT (PRAYER).

16. PART OF THE PRACTICE OF ISLAM IS THAT ALL MUSLIMS, BOTH MALE AND FEMALE, ARE REQUIRED TO LEARN THE RELIGION, AND TO TEACH IT. TALIM (INSTRUCTION, TEACHING, LEARNING), IS AN ISLAMIC CONGREGATIONAL SERVICE FOR WHICH MUSLIMS CAN LEARN AND TEACH THE RELIGION.

17. PART OF THE PRACTICE OF ISLAM IS THE CELEBRATION OF TWO RELIGIOUS HOLIDAYS, CALLED 'EID: 'EID-UL-FITR AND 'EID-UL-ADHA. 'EID-UL-FITR IS A

CELEBRATION OF THE BREAKING OF THE FAST OF RAMADAN, 'EID-UL-ADHA IS A CELEBRATION OF THE BREAKING OF THE FAST OF ABRAHAM AND IS HELD DURING HAJJ (PILEGRIMAGE) SEASON APPROXIMATELY 70 DAYS AFTER 'EID-UL-FITR. CELEBRATION OF 'EID CONSISTS OF A MANDATORY CONGREGATIONAL SALAT (PRAYER) AND ALSO OF A SPECIAL FEAST MEAL.

18. PART OF THE PRACTICE OF ISLAM IS THAT MUSLIMS ARE REQUIRED TO SEEK KNOWLEDGE, BOTH RELIGIOUS KNOWLEDGE AND WORLDLY KNOWLEDGE (E.G. IN MATHEMATICS, NATURAL SCIENCES, SOCIAL SCIENCES, PHILOSOPHY, HISTORY, PSYCHOLOGY, ETC...)

19. PART OF THE PRACTICE OF ISLAM IS THAT MUSLIMS ARE REQUIRED TO PRAY (OFFER SALAT) FIVE(5) TIMES A DAY, AND MUSLIMS SHOULD USE AND WEAR PRAYER OILS OR PERFUMES WHENEVER POSSIBLE OUTSIDE OF SALAT AND ESPECIALLY DURING SALAT.

20. PART OF THE PRACTICE OF ISLAM IS THAT MUSLIMS SHOULD LEARN THE RELIGION FROM THOSE KNOWLEDGEABLE IN IT, SUCH AS SHEIKHS (SCHOLARS) AND IMAMS (LEADERS).

21. PART OF THE PRACTICE OF ISLAM IS THAT MUSLIMS SHOULD CLEAN THEIR TEETH WITH MISWAIL (A.K.A. MISWAIL, A.K.A. SIWAH), A NATURAL TYPE OF TOOTHBRUSH / TOOTH-CLEANING STICK.

22. PLAINTIFF IS CURRENTLY IN THE G.A.C. TIER II PROGRAM.

23. ALL DEFENDANTS, BOTH G.D.C. AND G.S.A., MAINTAIN POLICIES AND/OR CUSTOMS WHEREIN PRISONERS ON TIER II, INCLUDING PLAINTIFF ARE DENIED PRIVILEGES, RIGHTS, AND PROPERTY. AKA

24. AS A RESULT OF DEFENDANTS' POLICIES AND CUSTOMS, DEFENDANTS ARE CURRENTLY DENYING PLAINTIFF JUMUAH, TALIM, 'EID SALATS, 'EID FEASTS, PRAYER OILS, MISWAIL, ISLAMIC BOOKS AND PUBLICATIONS, EDUCATIONAL BOOKS AND PUBLICATIONS, A CD PLAYER, ISLAMIC CD'S, EDUCATIONAL CD'S, JAWAB TABLETS, EMAIL, AND THE ABILITY TO EMAIL AND CORRESPOND WITH ISLAMIC SHEIKHS AND IMAMS.

Q. TIER II

25. IN THE GDC, PRISONERS NORMALLY HAVE ACCESS TO RIGHTS AND PRIVILEGES IN GENERAL POPULATION ("GA"), INCLUDING BUT NOT LIMITED TO: RELIGIOUS SERVICES, EDUCATIONAL CLASSES, COUNSELING CLASSES, WORK DETAILS, GYM CALL, YARD CALL, JPAY TABLET COMPUTERS, EMAIL, TO LIBRARY, LAW LIBRARY, AND COMMISSARY. THEY HAVE UNLIMITED ACCESS TO COLLECT CALL TELEPHONES IN THE DORMS. THEY ARE ALLOWED CONTACT VISITS WITH UP TO 12 VISITORS EVERY WEEKEND AND HOLIDAY, FOR UP TO SIX HOURS. THEY MAY POSSESS AND RECEIVE PERSONAL PROPERTY SUCH AS PERSONAL BOOKS, MAGAZINES, NEWSPAPERS, RAUTUS, CD'S, CD PLAYERS, PERSONAL CLOTHES AND SHOES, AND COMMISSARY ITEMS SUCH AS PERSONAL HYGIENE ITEMS AND FOOD. THEY MAY RECEIVE BOOKS AND PUBLICATIONS FROM PUBLISHERS OR VENDORS. THEY MAY RECEIVE FOOD AND CLOTHING PACKAGES FROM APPROVED VENDOR ACCESS SECUREPAK.

26. PRISONERS ON SEGREGATION ARE NORMALLY PLACED ON ONE OF THREE TIERS: TIER I, TIER II, OR TIER III.

27. PRISONERS ON TIER I ARE USUALLY PLACED ON IT FOR UP TO 30 DAYS. ON TIER I, PRISONERS NORMALLY HAVE ALL IN-CELL PRIVILEGES AND PROPERTY, INCLUDING POSSESSION OF PERSONAL PROPERTY, BOOKS, MAGAZINES, NEWSPAPERS, CD'S, CD PLAYERS, JPAY COMPUTERS, EMAIL, PHONE, VISITATION, AND MAY RECEIVE COMMISSARY, BOOK PACKAGES, FOOD PACKAGES, AND CLOTHING PACKAGES. HOWEVER, THEY DO NOT HAVE PRIVILEGES THAT ARE OUTSIDE OF THEIR CELLS, SUCH AS RELIGIOUS SERVICES, EDUCATIONAL CLASSES, COUNSELING CLASSES, WORK DETAILS, GYM, LIBRARY, AND LAW LIBRARY.

28. PRISONERS WHO RECEIVE DISCIPLINARY REPORTS ("D.R.'S") MAY RECEIVE A FORM OF TIER I CALLED DISCIPLINARY ISOLATION AS A SANCTION IF FOUND GUILTY OF AN INFRACTION. PRISONERS ON DISCIPLINARY ISOLATION ARE DENIED ACCESS TO PERSONAL PROPERTY, PHONE CALLS, VISITS, AND OTHER PRIVILEGES. HOWEVER, THEY MAY NOT BE PLACED ON DISCIPLINARY ISOLATION FOR A PERIOD OF LONGER THAN 30 DAYS.

29. TIER II IS A LONG-TERM DISCIPLINARY SANCTION CONSISTING OF AT LEAST NINETY(9) MONTHS SOLITARY CONFINEMENT, AND BROKEN DOWN INTO THREE(3) PHASES,

1, 2, AND 3, OF AT LEAST 90 DAYS ON EACH PHASE.

30. PRISONERS ON TIER II HAVE NO ACCESS TO RELIGIOUS SERVICES.

31. PRISONERS ON TIER II ARE DENIED THEIR OWN PERSONAL BOOKS, MAGAZINES, AND NEWSPAPERS, AND MAY NOT RECEIVE ANY THROUGH THE MAIL.

32. PRISONERS ON TIER II ARE DENIED THEIR OWN CD PLAYERS AND CD'S/CASSETTES AND MAY NOT RECEIVE ANY THROUGH THE MAIL.

33. PRISONERS ON TIER II ARE DENIED ACCESS TO JAIL TABLET COMPUTERS AND EMAIL.

34. PRISONERS ON TIER II ARE LIMITED TO ONLY 1, 2, OR 3 PHONE CALLS PER MONTH (DEPENDING ON WHETHER THEY ARE ON PHASE 1, 2, OR 3 RESPECTIVELY), UNLIKE GENERAL POPULATION PRISONERS, WHO CAN MAKE UNLIMITED COLLECT CALLS.

35. UNLIKE G.P. PRISONERS, WHO MAY RECEIVE CONTACT VISITS EVERY SATURDAY, SUNDAY, OR HOLIDAY FROM 9:00 AM TO 3:00 PM., WITH UP TO 12 VISITORS, PRISONERS ON TIER II MAY ONLY RECEIVE 1, 2, OR 3 VISITS PER MONTH (DEPENDING ON IF THEY ARE ON PHASE 1, 2, OR 3 RESPECTIVELY) FOR ONLY TWO(2) HOURS WITH UP TO TWO(2) VISITORS, WITH NO CONTACT.

36. PRISONERS ON TIER II ARE DENIED ACCESS TO GDC COUNSELING CLASSES THAT ARE PREREQUISITES FOR PAROLE, INCLUDING BUT NOT NECESSARILY LIMITED TO: MOTIVATION FOR CHANGE, THINKING FOR A CHANGE, MORAL RECONSTRUCTION THERAPY ("MRT"), RE-ENTRY, R.S.A.T, AND OTHER PREREQUISITES FOR PAROLE. THIS RENDERS THEM INELIGIBLE FOR PAROLE.

37. PRISONERS ON TIER II ARE DENIED ACCESS TO EDUCATIONAL CLASSES, WORK DETAILS, GYM CALL, ~~LIBRARY~~ LIBRARY CALL, YARD CALL, PERSONAL PROPERTY, FOOD AND CLOTHING PACKAGES, COMMISSARY, TV, AND OTHER PRIVILEGES AVAILABLE IN GENERAL POPULATION.

38. BOTH GDC ~~STANDARDS~~ ^{TIB09-0002} "TIB09-0002, "SEGREGATION - TIER II," SECTION I.A, AND SOP TIB09-0003, "SEGREGATION - TIER II," SECTION VI.B.1, A PRISONER MAY BE PLACED ON EITHER TIER I OR TIER II IF "THE OFFENDER IS NOTED AS A THREAT TO THE SAFE AND

SECURE OPERATION OF THE FACILITY." THIS STANDARD IS SO VAGUE AND ARBITRARY THAT IT ALLOWS DEFENDANTS TO PLACE AN OFFENDER ON TIER I OR TIER II FOR ANY REASON THEY LIKE OR FOR NO REASON AT ALL. IN PRACTICE, IF DEFENDANTS LIKE A PRISONER, THEY ASSIGN HIM TO GENERAL POPULATION ON TIER I. IF NOT, THEY PLACE HIM ON TIER II, EVEN IF OTHER SIMILARLY SITUATED PRISONERS ARE ON TIER I ON G.P.

39. WHEN A PRISONER IS PLACED ON TIER II, HE IS NOT GIVEN ANY ADVANCE WRITTEN NOTICE, OR AN OPPORTUNITY TO SPEAK BE HEARD, TO CALL WITNESSES OR TO PRESENT DOCUMENTARY EVIDENCE. THE DECISION TO PLACE THE PRISONER ON TIER II MADE BEFORE THE PRISONER IS EVEN GIVEN NOTICE, WHILE HE IS GIVEN WHAT DEFENDANTS CALL A "TIER II HEARING," A TIER II HEARING IS REALLY NO HEARING AT ALL, BUT A VERBAL NOTICE OF A DECISION ALREADY MADE. THEN, THE TIER II CLASSIFICATION COMMITTEE, OR EVEN A SINGLE MEMBER THEREOF, WILL COME TO THE PRISONER'S CELL DOOR AND TELL HIM, "THIS IS YOUR TIER II HEARING. YOU ARE BEING PLACED ON TIER II BECAUSE OF (WHATEVER REASON THEY USE TO PLACE HIM ON TIER II)." NOTHING A PRISONER SAYS AT THAT POINT CAN CHANGE THE DECISION BECAUSE THE DECISION HAS ALREADY BEEN MADE BEFOREHAND.

40. AFTER BEING ASSIGNED TO TIER II, PRISONERS MAY SUBMIT A WRITTEN APPEAL, CONSISTING OF AN APPEAL FORM (ALLOWING ONE PARAGRAPH) AND ONE ATTACHED PAGE, TO THE FACILITIES DIRECTOR. HOWEVER, PRISONERS MAY NOT CALL WITNESSES OR PRESENT DOCUMENTARY EVIDENCE IN SUPPORT OF A TIER II APPEAL. MOST TIER II APPEALS ARE RUBBERSTAMP-DENIED. ALSO, IF A PRISONER IS PLACED ON TIER II BECAUSE OF A DISCIPLINARY REPORT AND THAT D.R. IS LATER DISMISSED, THE PRISONER HAS NO WAY TO APPEAL OR SEEK RECONSIDERATION.

41. ON APRIL 11, 2016, DEFENDANTS PLACED ALDENTREFF ON TIER II PHASE I. IN DOING SO, THEY DID NOT AFFORD HIM ANY ADVANCE NOTICE, OR OPPORTUNITY TO

SPEAK, BE HEARD, CALL WITNESSES OR DOCUMENTARY EVIDENCE, OR OTHER DUE PROCESS.

42. PLAINTIFF FILED A TIER II APPEAL TO DEFENDANTS KUHN AND STANTON, WHO DENIED IT ON APRIL 21, 2016.

43. ON JULY 13, 2016, DEFENDANTS HUTCHESON AND EVANS PLACED PLAINTIFF ON TIER II PHASE II, BUT AGAIN, WITHOUT ANY ADVANCE NOTICE, OPPORTUNITY TO SPEAK, BE HEARD, CALL WITNESSES OR PRESENT EVIDENCE, OR OTHER DUE PROCESS PROTECTIONS.

44. PLAINTIFF FILED AN APPEAL BECAUSE HE CONTENDED THAT HE SHOULD NOT BE ON TIER II AT ALL, BUT THE APPEAL WAS DENIED.

45. ON OCTOBER 6, 2016, DEFENDANTS PLACED PLAINTIFF ON TIER II PHASE III, BUT AGAIN, WITHOUT ANY ADVANCE NOTICE, OPPORTUNITY TO SPEAK, BE HEARD, CALL WITNESSES OR PRESENT EVIDENCE, OR OTHER DUE PROCESS PROTECTIONS.

46. ON OCTOBER 11, 2016, PLAINTIFF FILED AN APPEAL BECAUSE HE CONTENDED THAT HE SHOULD NOT BE ON TIER II AT ALL. PURSUANT TO 06C SUB, DEFENDANTS HAD SEVEN WORKING DAYS, OR UNTIL OCTOBER 20, 2016 TO DECIDE THE APPEAL, BUT THEY NEVER DID, THEREBY EXHAUSTING THAT REMEDY.

47. ON ~~NOVEMBER~~^{OCTOBER} 20, 2016, PLAINTIFF SPOKE WITH DEFENDANT ALLEN AND ASKED ABOUT HIS APPEAL. ALLEN TOLD PLAINTIFF HE NEVER RECEIVED IT.

48. ON NOVEMBER 16, 2016, PLAINTIFF FILED MOTIONS ON THIS ISSUE IN CASE NO. 5:12-CV-00459-CAR-MSH (DOCS. ____).

49. ON NOVEMBER 17, 2016, DEFENDANT ALLEN DENIED PLAINTIFF'S APPEAL BUT FABRICATED IT WITH THE DATE 10/17/16, IN RESPONSE TO PLAINTIFF'S MOTIONS.

50. ON NOVEMBER 10, 2016, DEFENDANT ALLEN TOLD PLAINTIFF HE WAS GOING BACK TO PHASE I, WITHOUT PROVIDING PLAINTIFF ANY DUE PROCESS PROTECTIONS.

51. ON NOVEMBER 29, 2016, DEFENDANT EVANS TOLD PLAINTIFF HE WAS GOING BACK TO PHASE I, WITHOUT PROVIDING HIM ANY DUE PROCESS PROTECTIONS.

C.
BEARD LENGTH LIMIT, USE OF FORCE, UNSANITIZED CLIPPERS, DAMAGED CLIPPERS, DUE PROCESS

52. PART OF THE PRACTICE OF ISLAM IS THAT MUSLIM MEN ARE REQUIRED TO GROW AND WEAR BEARDS. ACCORDING TO THE SUNNAH (TRADITION) OF PROPHET MUHAMMAD (S.A.A.S) AND HIS COMPANIONS, MUSLIM MEN MAY GRAB THEIR BEARDS AT THE CHIN AND CUT WHAT PROTRUDES FROM THE BOTTOM OF THEIR FISTS, BUT SHOULD WEAR A BEARD AT LEAST AS LONG AS THE WIDTH OF THEIR FISTS, OR A "FIST-LENGTH" BEARD.

53. PLAINTIFF'S FIST IS APPROXIMATELY THREE-INCHES WIDE.

54. ^{ALL} ~~THE~~ GDC DEFENDANTS MAINTAIN RULES & REGULATIONS ("R&R") AND STANDARD OPERATING PROCEDURES ("SOP'S"), THAT LIMIT MALE PRISONERS (BUT NOT FEMALES) TO NAIR LENGTH OF THREE INCHES, BUT ~~BE~~ LIMIT BEARD LENGTH TO ONLY HALF-INCH.

55. PURSUANT TO GDC SOP #B01-0011, "FACILITY/CENTER BARBER/COSMETOLOGY, SNOPS," SECTION VI.B., SHAVING CLIPPERS MUST BE PROPERLY CLEANED AND SANITIZED AFTER EACH USE.

56. PURSUANT TO GDC SOP #B01-0011, SECTION VI.B.5., SHAVING CLIPPERS WITH "BROKEN GUARDS OR OTHER DAMAGES THAT FURTHER EXPOSES THE CUTTING BLADE OR CREATES SHARP EDGES WHICH COULD COME INTO CONTACT WITH THE SKIN SHALL NOT BE USED." ("DAMAGED.")

57. THE MANUFACTURER'S INSTRUCTIONS FOR "N-42 CLEAN CLIPPERS" VERU-IDE USED BY GDC DEFENDANTS PROVE THAT CLIPPERS SHOULD BE PROPERLY CLEANED AND SANITIZED AFTER EVERY USE TO PREVENT SPREAD OF HIV, HEPATITIS, AND OTHER INFECTIOUS DISEASES.

58. THE MANUFACTURER'S INSTRUCTIONS FOR "MARU-IDE" VERU-IDE USED BY GDC DEFENDANTS PROVE THAT CLIPPERS SHOULD BE PROPERLY CLEANED AND SANITIZED AFTER EVERY USE TO PREVENT SPREAD OF HIV, HEPATITIS, AND OTHER INFECTIOUS DISEASES.

59. THE PURPOSE OF THE ABOVE PROVISIONS OF SOP AND OF THE MANUFACTURER'S OWN INSTRUCTIONS IS TO PREVENT THE SPREAD OF HIV, HEPATIS, AND OTHER INFECTIOUS DISEASES THROUGH THE USE OF CLIPPERS AND/OR OTHER COSMETOLOGY EQUIPMENT.

60. CONTRARY TO THEIR OWN SOP, ALL DEFENDANTS MAINTAIN A CUSTOM IN GDC PRISONS

OF DISREGARDING MANUFACTURER'S INSTRUCTIONS AND GUIDANCE AND OF REFUSING TO SANITIZE CLIPPERS AND OF USING CLIPPERS WITH BROKEN GUARDS OR OTHER DAMAGE THAT EXPOSES THE SKIN TO SHARP EDGES AND OF INCREASED RISK OF GETTING CUT, EXPOSING PRISONERS TO INCREASED RISK OF INFECTION WITH HIV, HEPATITIS, AND OTHER INFECTIOUS DISEASES, WHICH ARE ALREADY COMMON IN THE PRISON POPULATION. DEFENDANTS ALSO MAINTAIN A CUSTOM OF NOT PROPERLY TRAINING EMPLOYEES TO SANITIZE CLIPPERS OR NOT USE DAMAGED CLIPPERS.

61. ALL DEFENDANTS, BOTH GDC AND GSP, HAVE A CUSTOM OF ENFORCING GROOMING REGULATIONS THROUGH DISCIPLINARY ACTION, THREAT OF USE OF FORCE, AND ITS ACTUAL USE.

62. ALL DEFENDANTS, BOTH GDC AND GSP, HAVE A CUSTOM OF FORCING PRISONERS TO SHAVE OR BE FORCIBLY SHAVEN, WITH CLIPPERS THAT ARE UNSANITIZED OR DAMAGED OR BOTH, THROUGH DISCIPLINARY ACTION, THREAT OF USE OF FORCE, AND ITS ACTUAL USE.

63. WHILE AT G.D.C.P., PLAINTIFF WAS REPEATEDLY FORCIBLY SHAVEN WITH ^{CLIPPERS THAT} ~~BARBERSHOP~~ WERE UNSANITIZED, OR DAMAGED, OR BOTH, AND CUTTING HIM, INCLUDING BUT NOT LIMITED TO: ON 11/21/2012, 12/11/2012, 11/22/2013, AND OTHER OCCASIONS.

64. WHILE AT G.S.P., PLAINTIFF HAS BEEN REPEATEDLY FORCIBLY SHAVEN WITH CLIPPERS THAT WERE UNSANITIZED, OR DAMAGED, OR BOTH, AND CUTTING HIM, INCLUDING BUT NOT LIMITED TO: ON 4/10/2014, 7/14/2014, 8/11/2014, 8/14/2014, 8/17/2014, 9/24/2014, 10/1/2014, 12/18/2014, 2/5/2015, 2/20/2015, 3/9/2015, 3/20/2015, AND OTHER OCCASIONS.

65. ON NOVEMBER 9, 2016, DEFENDANTS HUTCHESON, MOYE, AND ANDERSON TOLD PLAINTIFF TO SHAVE HIS BEARD, WHICH WAS THEN ABOUT 2 INCHES LONG, LONGER THAN THE HALF-INCH BEARD LIMIT, BUT SHORTER THAN THE THREE-INCH NO-BALD LIMIT. PLAINTIFF, WHO WAS HANDCUFFED, SAID "I'LL PASS." FOR RELIGIOUS REASONS. THEY AND DEFENDANTS WELLS, ^{NOBILLO} ~~GARANT~~, JONES, THEN FORCIBLY DRAGGED AND CARRIED HIM BY HIS ARMS HANDCUFFED BEHIND HIS BACK TO THE BARBERSHOP, WHILE DEFENDANTS WORTEN, KELLEY, AND HESTER WATCHED AND FAILED TO INTERVENE, INJURING PLAINTIFF'S BACK AND RIGHT SHOULDER BLADE, AFTER DRAGGING HIM TO THE BARBERSHOP AND FORCIBLY PLACING HIM IN A BARBER CHAIR,

THEY THEN RETURNED HIM TO HIS CELL WITHOUT SHAVING HIM.

66. AS A RESULT OF THIS USE OF FORCE, PLAINTIFF SUFFERED INJURY AND PAIN TO HIS BACK AND RIGHT SHOULDER BLADE, FROM WHICH HE HAS STILL NOT FULLY HEALED.

67. AS A RESULT OF THIS USE OF FORCE, PLAINTIFF ALSO SUFFERED INJURY TO HIS WRISTS FROM THE HANDCUFFS CAUSING LOSS OF FEELING IN ~~BO~~FINGERS IN BOTH HANDS AND AGGRAVATING THE CARPAL TUNNEL SYNDROME, WITH WHICH PLAINTIFF HAS BEEN DIAGNOSED.

68. ON NOVEMBER 10, 2016, DEFENDANT ALLEN THREATENED PLAINTIFF THAT HE DIDN'T CARE ABOUT PLAINTIFF'S GRIEVANCES OR LAWSUITS, THAT HE WAS "GOING TO SHOW YOU HOW UNREASONABLE I CAN BE," THAT HE WAS NOT GOING TO LET PLAINTIFF "WEAR THAT BEARD IN THIS PRISON," AND THAT HE WAS GOING TO SHAVE PLAINTIFF'S BEARD EVEN IF HE HAD TO USE FORCE TO DO IT.

69. ALLEN THEN TOLD PLAINTIFF, "YOU'RE GOING BACK TO (TIER II) PHASE I FOR THAT STUNT YOU PULLED YESTERDAY," REFERRING TO HIS NOT SHAVING THE DAY BEFORE.

70. ABOUT AN HOUR LATER, DEFENDANT ALLEN SENT DEFENDANTS HUTCHESON, FORD, LITTLE, MENDEL, NOBLETO, WILLIAMS, AND WRIGHT TO FORCEBLY SHAVE PLAINTIFF. THEY SPRAYED HIM WITH A CHEMICAL AGENT, MK-9, HANDCUFFED HIM AND DRAGGED/CARRIED HIM, IN PARS, TO THE BARBERSHOP, WITHOUT FIRST DECONTAMINATING HIM, AND FORCEBLY SHAVED HIM, LEAVING THE MK-9 ^{TO BURN HIS} ~~TO BURN HIS~~ EYES AND THROAT FOR MORE THAN 30 MINUTES.

71. THEY ALSO INJURED HIM WITH FURTHER INJURY TO HIS BACK/SHOULDER BLADE, WHICH HAS CAUSED HIM PAIN AND DIFFICULTY IN MOVING, WALKING, BENDING OVER, FOR ABOUT THREE WEEKS AND HAS STILL NOT HEALED ENTIRELY.

72. PLAINTIFF ALSO SUFFERED FRICTION BURNS ON HIS ARMS, FURTHER LOSS OF FEELING IN HIS FINGERS, CUTS TO HIS ARM AND HEAD, AND BRUISES ON HIS ARM.

73
73. IN ADDITION, THE MK-9 CAUSED PLAINTIFF BURNING IN HIS EYES FOR MORE THAN AN HOUR AFTER THE INCIDENT, AS WELL AS OFF-AND-ON FOR MORE THAN A WEEK, BURNING IN HIS THROAT, SEVERE MUCUS DEVELOPMENT IN

HIS NOSE AND THROAT, CAUSING HIM CHOKING AND DIFFICULTY BREATHING.

74. THE MK-9 ALSO AGGRAVATED PLAINTIFF'S ALREADY EXISTENT SINUS AND ALLERGY PROBLEMS, FOR WHICH HE HAD ALREADY BEEN DIAGNOSED. FOR THE NEXT SEVERAL DAYS, PLAINTIFF WAS SNEEZING PROBABLY A THOUSAND TIMES A DAY, AND THEN SEVERAL HUNDRED TIMES A DAY THEREAFTER.

75. DEFENDANTS FAILED TO PROVIDE PLAINTIFF ANY CHANGE OF CLOTHING OR BEDDING AND USED MK-9, LEAVING HIM EXPOSED TO IT CONTINUOUSLY.

76. LATER THAT SAME DATE, 11/10/16, DEFENDANT MOBLEY INSTRUCTED THE DORM GUARDS PER THE WARDEN TO NOT FEED PLAINTIFF, AND PLAINTIFF WAS DENIED BOTH A LUNCH TRAY AND A DINNER TRAY.

77. ON NOVEMBER 14, 2016, DEFENDANT NATHESUN THREATENED PLAINTIFF THAT "IN A COUPLE OF WEEKS," "THE SAME THING IS GONNA HAPPEN ALL OVER AGAIN."

78. ON NOVEMBER 15, 2016, PLAINTIFF FILED GRIEVANCE #231559 ON THE 11/9/16 INCIDENT, AND DEFENDANTS CLOSED IT OUT THAT SAME DAY, EXHAUSTING IT, AND SAYING IT WAS REFERRED TO THE GDC INTERNAL INVESTIGATIONS UNIT. HOWEVER, NO ONE FROM THE GDC INTERNAL INVESTIGATIONS UNIT EVER INVESTIGATED IT, AS THE GDC CENTRAL OFFICE MAINTAINS A CUSTOM OF DELIBERATE INDIFFERENCE TO UNNECESSARY USES OF FORCE.

79. ON NOVEMBER 15, 2016, PLAINTIFF ALSO FILED GRIEVANCE #231560 ON THE 11/10/16 ~~WARRANT~~ INCIDENT, AND DEFENDANTS CLOSED IT OUT THE NEXT DAY, EXHAUSTING IT, AND SAYING IT WAS REFERRED TO THE INTERNAL INVESTIGATIONS UNIT. HOWEVER, AGAIN, NO ONE FROM THE INTERNAL INVESTIGATIONS UNIT INVESTIGATED IT, AS GDC CENTRAL OFFICE MAINTAINS A CUSTOM OF DELIBERATE INDIFFERENCE TO UNNECESSARY USES OF FORCE.

80. ON NOVEMBER 18, 2016, DEFENDANTS ISSUED MOST PRISONERS AND ALL STAFF A SPECIAL HOLIDAY MEAL. HOWEVER, THEY DENIED ONE TO PLAINTIFF BECAUSE OF HIS NOT SHAVING.

81. ON NOVEMBER 19, 2016, ~~HOWEVER~~ DEFENDANT EVANS TOLD PLAINTIFF THAT HE WAS GOING BACK TO (TIER II) PHASE I, AND THAT SHE SPOKE WITH DEFENDANT HUTCHESON WHO TOLD HER THAT PLAINTIFF WAS GOING BACK TO PHASE I. HOWEVER, DEFENDANTS MADE THIS DECISION WITHOUT AFFORDING PLAINTIFF ANY NOTICE OR OPPORTUNITY TO SPEAK, BE HEARD, CALL WITNESSES, OR PRESENT EVIDENCE BEFORE MAKING THIS DECISION.

82. DEFENDANT EVANS THEN REFUSED TO GIVE PLAINTIFF HIS REMAINING TIER II "OFFENDERS UNDER TRANSITION (OUT) PROGRAM SO HE COULD NOT COMPLETE THE PROGRAM.

83. ON NOVEMBER 19, 2016, PLAINTIFF ALSO TURNED IN TO DEFENDANT EVANS TWO(2) CITIZANCES ON THE 11/10/16 AND 11/18/16 DENIALS OF FOOD, BUT SHE REFUSED TO PROCESS THEM AND RETURNED THEM TO HER UNPROCESSED THE NEXT DAY, THEREBY RENDERING THOSE REMOVALS UNAVAILABLE.

84. ON DECEMBER 2, 2016, DEFENDANT ALLEN THREATENED PLAINTIFF THAT "IF I HAVE TO BEAT YOU AND DRAG YOU OUT OF THAT CELL TO SHAPE YOU, I WILL."

ALLERGY AND SINUS PROBLEMS, DENTAL PROBLEMS

85. PLAINTIFF HAS BEEN REPEATEDLY DIAGNOSED WITH ALLERGY AND SINUS PROBLEMS, AND IS CURRENTLY ON PRESCRIPTION MEDICATION FOR IT.

86. PLAINTIFF HAS ALSO BEEN SUFFERING ON BOTH TOTHACHES AND PAINS.

87. ON MARCH 9, 2015, DEFENDANT GEIGER DIAGNOSED PLAINTIFF'S TOTHACHES AND DENTAL PAINS AS BEING CAUSED IN PART BY HIS SINUS PROBLEMS, WHICH SHE SAID CAN CAUSE TOTHACHES, AND CAUSED IN PART BY SENSITIVE TEETH.

88. FOR PLAINTIFF'S SENSITIVE TEETH, SHE INSTRUCTED PLAINTIFF TO USE SENSODYNE TOTH PASTE.

89. ALL DEFENDANTS, BOTH O.D.C. AND O.S.P. DENY SENSODYNE TOTH PASTE TO PRISONERS ON TIER II.

90. ALL DEFENDANTS, BOTH O.D.C. AND O.S.P. DENY SENSODYNE TOTH PASTE

TO THIS COURT ANSWERS.

91. ON DECEMBER 1, 2016, PLAINTIFF NGAIN SAW DEFENDANT BETTER, WHO SAID THAT ANYTHING WHICH AGGRAVATES HIS ALLERGIES, LIKE MUC-9, WILL AGGRAVATE HIS TOOTHACHES.

92. DEFENDANT BETTER AND NGAIN INSTRUCTED PLAINTIFF TO USE SENSODYNE TOOTH PASTE FOR HIS SENSITIVE TEETH. HE TOLD HER HE CANNOT GET IT BECAUSE HE IS BOTH INDIGENT AND ON TEEN II. SHE SAID SHE COULD NOT DO ANYTHING ABOUT THAT BECAUSE "IT'S OUT OF MY CONTROL."

V. STATEMENT OF CLAIMS

93. PLAINTIFF CLAIMS THAT DEFENDANTS' DENYING HIM, EACH: (A) JUMMAN ISLAMIC SERVICE; (B) TA'LEEN ISLAMIC SERVICE; (C) ETB SALAT; (D) ETB FERT; (E) PRAYER OIL; (F) MESWAK; (G) ISLAMIC BOOKS AND PUBLICATIONS; (H) EDUCATIONAL BOOKS AND PUBLICATIONS; (I) ISLAMIC CD'S; (J) EDUCATIONAL CD'S; (K) ACCESS TO IPAD TABLET COMPUTERS AND EMAIL TO CORRESPOND WITH ISLAMIC SHEIKHS AND IMAMS, EACH VIOLATES: (1) THE FIRST AMENDMENT; AND (2) THE RLUIPA.

94. PLAINTIFF CLAIMS THAT DEFENDANTS' PLACING HIM ON TEEN II VIOLATES: (1) SUBSTANTIVE DUE PROCESS; (2) PROCEDURAL DUE PROCESS; (3) THE FOURTH AMENDMENT; (4) THE FIRST AMENDMENT; AND (5) THE RLUIPA.

95. PLAINTIFF CLAIMS THAT DEFENDANTS' CUSTOMS OF FASLING TO SANITISE CLIPPERS AND FORCING PRISONERS TO SHAVE, OR BE FORCIBLY SHAVEN, WITH UNSANITIZED CLIPPERS, VIOLATES THE FOURTH AMENDMENT.

96. PLAINTIFF CLAIMS THAT DEFENDANTS' CUSTOMS OF FORCING PRISONERS TO SHAVE, OR BE SHAVEN, WITH DAMAGED CLIPPERS, VIOLATES THE FOURTH AMENDMENT.

97. PLAINTIFF CLAIMS THAT DEFENDANTS' CUSTOMS OF USING FORCE TO SHAVE PRISONERS VIOLATES THE FOURTH AMENDMENT.

98. PLAINTIFF CLAIMS THAT DEFENDANTS' CUSTOMS OF DELIBERATE INDIFFERENCE TO, AND FAILURE TO INTERVENE IN, UNNECESSARY OR EXCESSIVE USES OF FORCE VIOLATES THE EIGHTH AMENDMENT.

99. PLAINTIFF CLAIMS THAT DEFENDANTS' USE OF MIL-9 IN GENERAL, AND ON HIM IN PARTICULAR, VIOLATES THE EIGHTH AMENDMENT.

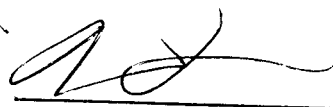
100. PLAINTIFF CLAIMS THAT DEFENDANTS' HALF-ENCH BEARH LIMIT RULE, WHICH PREVENTS HIM FROM WEARING A FIRST-LENGTH BEARH FOR RELIGIOUS REASONS, AND THEIR ADVERSE ACTIONS AGAINST HIM FOR WEARING A BEARH IN ACCORDANCE WITH HIS RELIGION, INCLUDING BUT NOT LIMITED TO: (A) HIS 11/9/16 USE OF FORCE; (B) ~~11/10/16~~ 11/10/16 USE OF FORCE; (C) DENYING HIM MEALS ON 11/10/16; (D) DENYING HIM MEALS ON 11/18/16; AND (E) DEMOTING HIM ON TEEN II AND/OR KEEPING HIM ON TEEN II, ALL VIOLATE: (1) FIRST AMENDMENT; (2) PLUTPA; (3) PROCEDURAL ^{DUE} ~~PROCESS~~ PROCESS; (4) SUBSTANTIVE DUE PROCESS; AND (5) THE EIGHTH AMENDMENT.

101. ~~98.~~ PLAINTIFF CLAIMS THAT DEFENDANTS' POLICY AND CUSTOM DENYING ^{TEETH} SENSITIVE TOOTH PASTE TO PRISONERS ON TEEN II WITH SENSITIVE ON TEETH LINES VIOLATES THE EIGHTH AMENDMENT.

102. ~~99.~~ PLAINTIFF CLAIMS THAT DEFENDANTS' POLICY AND CUSTOM DENYING SENSITIVE TOOTH PASTE TO INDIGENT PRISONERS WITH SENSITIVE TEETH ON TOOTHBRUSHES, VIOLATES THE EIGHTH AMENDMENT.

DECLARATION OF WASEEM DAKER

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE AND FOREGOING FACTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.
THIS 4 DAY OF DECEMBER, 2016.



WASEEM DAKER

PLAINTIFF, PRO SE

#901373

6-5-P

300 1ST AVE S

RED WILLOW, GA 30453